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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,574	11/30/2005	Carl Binding	CH920020024US1	7879

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MICHAEL BUCHENHORNER, P.A.
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SUITE 100
MIAMI, FL 33143

EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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03/16/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/535,574	Applicant(s) BINDING ET AL.	
	Examiner CREIGHTON SMITH	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 JAN '10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30 & 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01.07.2010</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30 & 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in PP.0059 or 0060 on page 13 does it state that the "network control unit manages inter-network handover," as alleged by applicants' remarks on page 6. In fact, the term "handover" is non-existent in PP.0059 & 0060 (if examiner is counting the paragraphs correctly).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souissi, U.S. Pat. App. Pub. #2002/0187780 in view of Almgren et al, U.S. Pat. #6,668,175.

Souissi discloses in P.0001 a system and method in wireless communications for inter-system handoff. In P.0008 Souissi discloses that the multi-mode mobile station can switch from a non-preferred network to a preferred network upon the presence of an entry in a roaming table, where a roaming table is a lookup table having an entry

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corresponding to the presence/absence of a preferred network coverage area. In P.0009 Souissi discloses that the inter-system roaming table includes position information for the available networks. In P.0011 Souissi discloses that the inter-system handoff facilitates roaming to and from any of a WAN, LAN, or PAN giving the subscriber automatic cost savings by switching to a less expensive (cost), higher speed network (bandwidth) if one is available. In P.0076 et seq. Souissi discloses that the roaming table can be stored on the network at the network switching subsystem (304). In P.0064 Souissi discloses that the networks stored in the roaming table can have a priority or preference rank. In P.0079 Souissi discloses that the mobile device's identification information can be used by the network to determine which types of networks the device is configured to operate in and/or which of the networks are preferred, and then the network will download information related to those particular networks. In P.005 Souissi discloses that the network preference is a matter of cost savings and/or desire for higher speed (bandwidth); in other words, subscribers will want to ensure that their mobile station will communicate with the lowest cost and fastest WLAN. Souissi goes on to disclose in P.0055 the subscriber is control of the network preferences and as such sets the preference hierarchy based on speed, cost, quality of service, traffic, etc. as a programmable parameter. Newton's Telecom Dictionary defines bandwidth as "the capacity to move information. Therefore, bandwidth equals speed (capacity to move information). With the roaming table located in the network, the network will have to retrieve/fetch the subscriber's roaming table, based on Souissi's disclosure in P.0055, in order to handoff the call to the particular

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networks specified by the subscriber. The network will have to consult the subscriber's roaming table in order to determine which network to handoff the call, based on the subscriber's preferences.

Almgren et al disclose in col. 3, lines 45 et seq. that a user will give to the network his/her service requirements, and include QoS parameters such as bit rate, BER, and transmission delay. In addition the user may specify a price parameter for a desired service. To have provided Almgren's disclosure of handing off a call to another network based on the costs of the network in Souissi's method and system would have been obvious to a person having ordinary skill in the art in case it's not deemed to be anticipated by Souissi.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

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10 MAR '10

/CREIGHTON SMITH/
Primary Examiner, Art Unit 2614